

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Emery et al.  
Serial No.: 10/768,415 Group No.: 1774  
Filed: 01/30/2004 Examiner: B. Shewareged  
For: SHRINKABLE BATTERY LABEL

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed on January 23, 2008 finally rejecting claims 25, 27, 28, 30, 31, and 33-45.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

☒ other than a small entity  
☐ small entity  
Verified statement  
☐ attached  
☐ already filed on

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(b) the fee for filing the Notice of Appeal is:

☐ small entity \$255.00  
☒ other than a small entity \$510.00

Notice of Appeal fee due \$510.00

---

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below.

Date: July 21, 2008

Emily C. Porell  
(Type or print person mailing paper)  
Emily C. Porell  
(Signature of person mailing paper)

### 3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of § 1.136 for patent applications 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) X Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

| Extension<br>(months) | Fee for other than<br><u>small entity</u> | Fee for<br><u>small entity</u> |
|-----------------------|---|--------------------------------|
| <u>   </u> one month  | \$120.00                                  | \$60.00                        |
| <u>   </u> two months | \$460.00                                  | \$230.00                       |
| <u>X</u> three months | \$1050.00                                 | \$525.00                       |

Fee: \$1,050.00

If an additional extension of time is required please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- An extension for     months has already been secured and the fee paid therefor of \$            is deducted from the total fee due for the total months of extension now requested.  
Extension fee due with this request \$

or

- (b)     Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$510.00

Extension fee (if any) \$1,050.00

TOTAL FEE DUE: \$1,560.00

### 5. FEE PAYMENT

    Attached is a check in the sum of \$                     .

X Charge Account No. 19-0079 the sum of \$1,560.00.

**6. FEE DEFICIENCY**

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

X If any additional extension and/or fee is required charge Account No. 19-0079.

AND/OR

X If any additional fee for claims is required, charge Account No. 19-0079.

  
SIGNATURE OF ATTORNEY

Reg. No.: 20,798

Tel. No.: (617) 426-9180  
Extension: 113

Maurice E. Gauthier  
*type or print name of attorney*

Gauthier & Connors LLP

225 Franklin Street, Suite 2300

Boston, Massachusetts 02110